

JUN 19 2012

DELEGATION OF AUTHORITY – TOXIC SUBSTANCES CONTROL ACT

12-2. Administrative Enforcement Actions

1. PURPOSE: This order redelegates certain authorities dealing with the issuance of administrative complaints and the negotiation and signing of consent agreements conferred on the Regional Administrator by Delegation 12-2 of the EPA Delegations Manual. *(Note - **The authorities being redelegated to the DECA Director flow from Delegation 12-2-A; the authority being redelegated to the Regional Counsel flows from Delegation 12-2-B.**)*

2. REDELEGATION: The following authorities are hereby redelegated to the Director of the Division of Enforcement and Compliance Assistance (DECA).

Authority pursuant to the Toxic Substances Control Act (TSCA):

a. To file administrative complaints against alleged violators of TSCA for the purpose of proposing civil penalties as provided in TSCA.

b. To negotiate and sign consent agreements memorializing settlements between the Agency and Respondents.

The following authority is hereby redelegated to the Regional Counsel.

Authority pursuant to TSCA:

To represent EPA in civil penalty adjudications conducted under TSCA Section 16 and 5 U.S.C. Section 554.

3. LIMITATIONS:

a. The DECA Director must consult with the Assistant Administrator for Enforcement and Compliance Assurance or his/her designee before exercising any of the above authorities.

b. The Assistant Administrator for Enforcement and Compliance Assurance may waive his/her consultation requirement by memorandum.


c. The DECA Director must obtain the advance concurrence of the Regional Counsel before exercising the above authorities, except as provided in the "DECA/ORC TSCA/EPCRA Enforcement Agreement." However, in all cases, once a Respondent files an answer or fails to file an answer in the specified time period, the Regional Counsel or his/her designee will represent EPA.

ORDER

R-1200

d. The DECA Director should notify the Director of the Clean Air and Sustainability Division upon exercising this authority for cases involving violations of PCB disposal approval authorities.

4. SUPERSESSSION: This redelegation supersedes Regional Order R-1200 (redelegation of 12-2) dated July 22, 1992 as modified by Regional Order R-1200.15 dated April 29, 1996.


Judith A. Enck
Regional Administrator